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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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IN THE UNITED STATES DISTRICT COURT FOR

THE CENTRAL DISTRICT OF CALIFORNIA

CHARLES SAMUEL COUCH,

Plaintiff,

vs.

CITY OF MANHATTAN BEACH, CHIEF EVE
IRVINE, DETECTIVE JOHN NASORI #298, Det.)
MICHAEL ALLARD #317, DET. ROSSENBERGER)
#241, DET. SHAWN THOMPSON #321, SGT. B.)
BROWN #272, DET. MCSHANE and DOES 1)
through 10, inclusive)

Defendants.

CV 13-7554 GAF-ABR

) COMPLAINT FOR DAMAGES
) FOR VIOLATION OF CIVIL
) RIGHTS AND PUNITIVE
) DAMAGES

) JURY TRIAL DEMANDED

INTRODUCTION

1. This is a civil rights action for declaratory and
injunctive relief and damages brought pursuant to 42 U.S.C.
Sections 1983, 1985 and 1988, 18 U.S.C. 1961 et seq., the First,
Fourth, and Fourteenth Amendments to the United States
constitution. The Complaint seeks redress from one or more of the
Defendants due to their: (i) practice of arbitrarily, unlawfully
and maliciously harassing, targeting for arrest and/or arresting
Plaintiff without probable cause; (ii) arbitrary and unlawful

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1 discrimination on the basis of race and perceived sexual
2 orientation; and (iii) practice of arbitrarily, unlawfully and
3 maliciously violating Plaintiff's right to equal protection under
4 the law.

5 **JURISDICTION AND VENUE**

6 2. This Court has jurisdiction of this action under 28
7 U.S.C. § 1331 and 1343. Pursuant to 28 U.S.C. § 1391, venue is
8 proper in this Court because the acts and/or omissions complained
9 of occurred in the Central District of California and the acts
10 described took place within the Central District of California.

11 3. The amount in controversy herein, excluding interest and
12 costs, exceeds the minimum jurisdictional limit of this Court.
13

14 **PARTIES**

15 4. Plaintiff CHARLES SAMUEL COUCH was at all relevant times a
16 resident of the City of Hawthorne, County of Los Angeles,
17 California.
18

19 5. Defendant City of MANHATTAN BEACH is a municipal
20 corporation located in the County of Los Angeles and is
21 established by the laws and constitution of the State of
22 California, and owns, operates, manages, directs, and controls the
23 MANHATTAN BEACH Police Department (hereinafter "MBPD") which
24 employs other Defendants in this action.
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1 7. Defendant CHIEF EVE IRVINE, is Chief of the MANHATTAN
2 BEACH POLICE Department and is sued in her individual and official
3 capacity.

4 8. Chief IRVINE is responsible for establishing, ratifying and
5 enforcing the policies, practices and customs of the MBPD and
6 providing training, supervision, instruction, oversight, and
7 discipline concerning the policies, practices, customs, and
8 activities of the entire MANHATTAN BEACH Police Department.
9 Defendant IRVINE acted at all relevant times within the course and
10 scope of her employment as Police Chief.
11

12 9. Defendant MBPD Officers JOHN NASORI #298, Det. MICHAEL
13 ALLARD #317, DET. ROSSENBERGER #241, DET. SHAWN THOMPSON #321,
14 SGT. B. BROWN #272, and DET. MCSHANE are all members of the MBPD,
15 and all are sued in both their individual capacities and in their
16 official capacities if they had any policy making duties,
17 functions, or responsibilities with respect to the matters alleged
18 herein.
19

20 10. Plaintiff is unaware of the true names and capacities
21 of the defendants sued herein as DOES 1 through DOE 10, and
22 therefore sues such defendants by fictitious names. Plaintiff
23 will seek leave of court to amend this complaint when their true
24 names are ascertained. Plaintiff is further informed and believe
25 and thereupon allege that DOES 1 through DOE 10, and each of them,
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1 are in some manner liable to Plaintiff for the damages alleged
2 herein.

3 11. Plaintiff is informed and believes and thereon alleges
4 that each of the Defendants sued herein was negligently,
5 wrongfully or otherwise responsible in some manner for the events
6 and happenings as hereinafter described, and proximately caused
7 injuries and damages to Plaintiff.
8

9 12. Plaintiff is informed and believes and thereon alleges
10 that each of the Defendants was at all relevant times an agent,
11 servant, employee, partner, joint venturer, co-conspirator, and/or
12 alter ego of the remaining Defendants, and in doing the things
13 herein alleged, was acting within the course and scope of that
14 relationship. Plaintiff is further informed and believes and
15 thereon alleges that each of the Defendants herein gave consent,
16 aid, and assistance to each of the remaining Defendants, and
17 ratified and/or authorized the acts or omissions of each Defendant
18 as alleged herein, except as may be hereinafter otherwise
19 specifically alleged.
20

21 13. At all relevant times, each Defendant was jointly engaged
22 in tortious activity, resulting in the deprivation of Plaintiff's
23 constitutional rights and other harm. At all relevant times, each
24 Defendant acted under color of the laws, statutes, ordinances,
25 policies, practices, customs, and usages of the State of
26 California, the City of MANHATTAN BEACH, and the MBPD.
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Allegations Pertaining to Plaintiff CHARLES SAMUEL COUCH

14. Pursuant to the custom, practice or policy set forth above, Plaintiff COUCH was subjected to a course of conduct as described below.

15. On March 9, 2012, Plaintiff COUCH was employed by Cambrian Homecare of Long Beach providing respite care to a child with Prader-Willi Syndrome which is a genetic disorder characterized by mental retardation, hypogonadism, and incomplete sexual development. A characteristic of persons with this syndrome is that they easily become fixated on irrelevant matters and forget their original purpose. This particular child, referred to by his initials as "D.K.", frequently spent an abnormally long time using the restroom.

16. During the supervised exercise walk the child expressed the need to use a rest room. The two headed for a beach restroom near Marine Avenue and the Strand. Unbeknownst to them a "sting" operation was in full force targeting males who were (or appeared to be) gay because that particular restroom had a reputation as a place where men seeking intimate contact with other men met.

17. Plaintiff COUCH entered ahead of the child for safety reasons. The child entered the stall furthest from the entrance and closed the door. Neither the child nor Plaintiff knew that a hole had been cut between that stall and the middle stall. Plaintiff used the urinal, washed his hands, then went to a bench

1 in the changing area of the restroom and sat down waiting for the
2 child to finish.

3 18. DEFENDANT DETECTIVE JOHN NASORI entered and said
4 "hello". Plaintiff replied "hello". NASORI entered the middle
5 stall. A few minutes later the child bolted from the stall,
6 rushed up to Plaintiff and whispered, "There is a man looking at
7 me in the stall!" Horrified, Plaintiff said: "Lets get out of
8 here."
9

10 19. NASORI followed them and said: "Why are you leaving so
11 quickly?" Plaintiff said to the child: "Ignore him. Just keep
12 walking."
13

14 20. Suddenly he encountered Det. MICHAEL ALLARD #317, DET.
15 ROSSENBERGER #241, DET. SHAWN THOMPSON #321, SGT. B. BROWN #272,
16 and DET. MCSHANE all in plainclothes and resembling thugs.

17 21. Plaintiff reasonably thought that they wanted to kidnap
18 the child. Accordingly he grabbed the child to prevent that
19 possibility.
20

21 22. He was tackled, choked, and handcuffed. He didn't
22 realize that they actually were police until he was taken to
23 jail.

24 23. He was interrogated for several hours. He was accused of
25 being sexually interested in other men, and asked if he would
26 take his own little brother to a party to get "laid."
27
28

1 24. The police eventually called the parents of the child
2 who vouched for Plaintiff and explained to the police the
3 manifestations of Prader-Willi syndrome.

4 25. Plaintiff was eventually released and given a detention
5 certificate. **This certificate states that Plaintiff was detained**
6 **and not arrested. The reason given was: "Insufficient evidence**
7 **for making a criminal complaint against the person arrested.**

8 26. During Plaintiff's interrogation, the police received
9 his permission to retrieve the minor child's backpack from
10 Plaintiff's car. Once inside the car the police proceeded to
11 ransack it completely without a warrant and without permission,
12 leaving the contents of the glove box strewn about the car seats.
13

14 27. Finally they uncovered Plaintiff's backpack containing
15 his personal computer. One month and a day later, on **April 10,**
16 **2012** after authorizing the issuance of the detention certificate
17 which stated that there was insufficient evidence of lewd conduct
18 or child endangerment, Officer **Nasori swore under oath that the**
19 **laptop "was used as the means of committing a felony", is**
20 **possessed by a person with the intent to use it as a means of**
21 **committing a public offense..." and "tends to show that a felony**
22 **has been committed or that a particular person has committed a**
23 **felony.**

24 28. This is prima facie evidence of perjury and warrants
25 punitive damages against Detective Nasori.
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1 29. The laptop was given to Detective Williams of the
2 Beverly Hills police who found nothing relating to "glory holes"
3 or child pornography. It was finally returned months later.

4 30. Meanwhile Plaintiff was forced to withdraw from all his
5 classes at El Camino Junior College because his entire school
6 work was on that computer.

7 31. Approximately a month later Plaintiff was shocked and
8 horrified to discover that his photo was displayed on the Daily
9 Breeze Website, a local newspaper, with other persons arrested in
10 the sting operation. The caption indicated "18 arrested in sex
11 sting."
12

13 32. This photo and caption were given to the media who have
14 published it nationwide. Placing Plaintiff's photo on the police
15 website after giving him a detention certificate stating no
16 probable cause to make an arrest is maliciousness per se and
17 further warrants imposition of punitive damages against whomever
18 authorized placing Plaintiff's photo on the police website.
19

20 33. Eleven months went by. Suddenly Plaintiff received a
21 notice by mail from Defendant Chief Irvine informing him that
22 there was an "outstanding warrant for his arrest" for two counts
23 of violating Penal Code section 148(a)(1) resisting, obstructing,
24 or delaying a peace officer.
25

26 34. On August 16, 2013 all criminal charges were dismissed
27 against Plaintiff by the Superior Court of Los Angeles County.
28

MONEL FACTUAL ALLEGATIONS

35. The City of MANHATTAN BEACH and Chief EVE IRVINE have established, maintained, encouraged, allowed and/or ratified a custom, practice or policy of: (i) targeting areas believed to be frequented by men who are perceived to be interested in meeting, in public, men interested in non-monetary intimate association with other men, for the purpose of harassing these men and interfering with their rights of speech, privacy, expression, association and equal protection; (ii) having police officers approach men, undercover, who are perceived to be interested in meeting, in public, men interested in non-monetary intimate association with other men, for the purpose of discussing, suggesting, or implying a willingness to engage in sexual or other intimate activity; (iii) falsely arresting men who are perceived to be interested in meeting, in public, men interested in non-monetary intimate association with other men, without warrants and with probable cause and accusing them of engaging in criminal activity even though no criminal activity was engaged in; (iv) treating individuals differently based on their race and perceived sexual orientation; (v) publicizing these arrests in violation of these individuals' rights to privacy in an attempt to deny them and other men their constitutionally protected rights of freedom of speech, expression, association and privacy; and (iv) failing

1 to adequately train, supervise, instruct, monitor, and discipline
2 MANHATTAN BEACH Police Officers.

3 36. These defendants have established, maintained,
4 encouraged, allowed, and/or ratified the above custom, practice or
5 policy with the tacit understanding that it would promote the
6 unconstitutional and illegal goal of reducing the number of men
7 who are interested in meeting, in public, men interested in non-
8 monetary intimate association with other men from meeting one
9 another in public places in MANHATTAN BEACH particularly the
10 public parks and beaches.
11

12 37. Plaintiff further alleges that the MBPD never arrest men
13 by women decoy officers for non-monetary sexual solicitations or
14 for loitering nor do they arrest women by male decoy officers for
15 non-monetary sexual solicitations.
16

17 38. As such, Plaintiff alleges that Defendants violated the
18 Equal Protection Clause of the 14th Amendment in that they
19 arrested him discriminatorily.
20

21 39. Plaintiff now brings the instant complaint and
22 demands a jury trial.

23 40. As a direct, proximate result of Plaintiff's false and
24 discriminatory arrest AND Defendant's Monel claim, as alleged
25 above, Plaintiff COUCH has become mentally upset, distressed and
26 aggravated and suffered great humiliation, embarrassment, and
27 mental anguish.
28

1 41. The publicity generated by this false and discriminatory
2 arrest have seriously curtailed Plaintiff's future earnings by
3 preventing him from applying to special colleges.

4 42. This adverse publicity will seriously curtail
5 Plaintiff's future earnings in that an entire industry, the
6 defense industry, will be precluded from Plaintiff's employment
7 plans.

8
9 43. Plaintiff thereupon claims general damages for such
10 mental distress, aggravation, loss of present opportunities, and
11 loss of future earnings in an amount of five million dollars
12 (\$5,000,000.00).

13
14 **CLAIMS FOR RELIEF**

15 **FIRST CAUSE OF ACTION, FALSE ARREST**

16 42.U.S.C.1983

17 4th, 14th Amendment

18 44. Plaintiff re-alleges and incorporates herein by reference
19 the allegations in paragraphs 1 through 43, above, including the
20 damage allegations.

21
22 45. One or more of the Defendants have violated Plaintiff's
23 right to be free of unreasonable search and seizure under the
24 Fourth and Fourteenth Amendments to the United States
25 Constitution.

26 46. One or more of the Defendants have unjustifiably deprived
27 Plaintiff of his liberty by unlawfully and maliciously arresting
28

1 him without probable cause in violation of the Fourth and
2 Fourteenth Amendments to the United States Constitution.

3
4 **SECOND CAUSE OF ACTION, DISCRIMINATORY ARREST**

5 42.U.S.C.1983

6 14th Amendment

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8 47. Plaintiff re-alleges and incorporates herein by reference
9 the allegations in paragraphs 1 through 43, above, including the
10 damage allegations.

11 48. One or more of the Defendants have violated Plaintiff's
12 right to equal protection of the laws under the Fourteenth
13 Amendment to the United States Constitution in that Defendants,
14 and each of them, only targeted men who were perceived to be
15 interested in meeting, in public, men who are interested in non-
16 monetary, intimate association with other men and ignored men who
17 are interested in meeting, in public, women who are interested in
18 non-monetary intimate association as held in *Baluyut V. Superior*
19 *Court*, (1996) 12 Cal. 4th 826.

20
21 49. One or more of the Defendants violated Plaintiff's right
22 to equal protection of the laws under the Fourteenth Amendment to
23 the United States Constitution in that Defendants, and each of
24 them, arrested Plaintiff because he, a while man, was escorting a
25 black child into a restroom with a reputation as a place where men
26 meet other men for intimate purposes.
27
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2 **THIRD CAUSE OF ACTION, MONELL CLAIM**

3 42.U.S.C.1983

4 Policy and Custom

5 50. Plaintiff re-alleges and incorporates herein by
6 reference the allegations in paragraphs 1 through 43, above
7 including damages.
8

9 51. The City of MANHATTAN BEACH and Chief EVE IRVINE have,
10 under color of law, violated Plaintiff's rights, privileges and
11 immunities secured by the United States Constitution in violation
12 of Section 1983 of Title 42 of the United States Code.

13 52. The above described customs, practices and policies
14 demonstrate a deliberate indifference on the part of the
15 Defendants, and each of them, to the constitutional rights of
16 persons within the City of MANHATTAN BEACH, and were the cause of
17 the violations of Plaintiff's rights alleged herein.
18

19 53. During all relevant times, one or more of the Defendants,
20 and particularly Defendant Chief IRVINE established, maintained,
21 encouraged, allowed and/or ratified a custom, practice or policy
22 of providing inadequate training, supervision, instruction,
23 oversight, and discipline to MANHATTAN BEACH police officers,
24 including those mentioned above, thereby failing to adequately
25 discourage constitutional violations and tacitly agreeing to
26 violate Plaintiff's constitutional rights.
27
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1 54. The above described customs, practices and policies
2 demonstrate a deliberate indifference on the part of Defendants,
3 and each of them, and particularly Defendant Chief IRVINE, to the
4 constitutional rights of persons within the City of MANHATTAN
5 BEACH, and were the cause of the violations of Plaintiff's rights
6 alleged herein.

7 55. Plaintiff was unlawfully seized, arrested/detained by
8 Defendants without warrant or order or commitment or any other
9 legal authority of any kind as Plaintiff had not committed any
10 crime or public offence.

11 56. The conduct as alleged above is ongoing, creating the
12 likelihood of future injuries to Plaintiff.

13 57. Since Plaintiff is entitled to visit public areas where
14 Defendant decoy officers engage in the activities described above,
15 he faces imminent danger of further arrest and harassment as
16 alleged above.

17 58. As a proximate result of the acts of Defendants, and each
18 of them, as herein alleged, Plaintiff was compelled to expend
19 money all to his damage in an amount according to proof.

20 59. As a proximate result of the acts of Defendants, and each
21 of them, Plaintiff has suffered damage to his reputation and
22 shame, humiliation and embarrassment in the community, and his
23 present schooling and future employment has been seriously
24 damaged.

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FOURTH CAUSE OF ACTION, CONSPIRACY

42.U.S.C.1985(2)

4th Amendment and 14th Amendment

60. Plaintiff re-alleges and incorporates herein by reference the allegations in paragraphs 1 through 43, above including the damage allegations.

61. Defendants, and two or more of them, in the State of California, City of MANHATTAN BEACH, by reason of Defendants' animus against Plaintiffs, and invidious animus of same, conspired together to act and to fail and omit to act as hereinbefore alleged, for the purpose of (i) impeding, hindering, obstructing, and defeating the due course of justice in MANHATTAN BEACH (ii) to deny equal protection of the laws to Plaintiff, and to (iii) subject Plaintiff's person and property to unlawfully search, seizure, and criminal prosecution.

62. Defendants, and each of them, purposefully, under color of law, planned and conspired to deny Plaintiff equal protection of the law in the following respect:

(a) to deny his right to be free from unreasonable search and seizure;

(b) to deny his right of freedom of speech, expression, and association;

(c) to deny his right not to be deprived of life, property or liberty without due process of law;

1 (d) to deny his the right of privacy;

2 63. By virtue of the foregoing, Defendants, and each of them,
3 violated 42 U.S.C. § 1985 (2).

4 64. As a direct and proximate result of the foregoing, the
5 Plaintiff Class has been damaged as recited above and is entitled
6 to the damages recited below.

7 **FIFTH CAUSE OF ACTION**

8 **PUNITIVE DAMAGES AGAINST DETECTIVE JOHN NASORI**

9
10 65. Plaintiff re-alleges and incorporates herein by reference
11 the allegations in paragraphs 1 through 43, above including the
12 damage allegations.

13 66. Detective NASORI falsely and maliciously wrote on his
14 police report that after bolting from the toilet stall, the child
15 whispered to Plaintiff: "He is not doing...".

16
17 67. The innuendo is that the child was expecting (Nasori) to
18 "do something sexual."

19 68. The idea that the child, afflicted with Prader-Willi
20 syndrome would be taken into the restroom for sexual purpose by
21 Plaintiff, his hired caretaker and Eagle Scout is maliciousness
22 per se,

23
24 69. Defendant Detective NASORI further falsely and
25 maliciously wrote on his police report that Plaintiff, who
26 reasonably thought the assembled thuggish Defendant officers, were
27 trying to kidnap the child, was using the child as a shield to
28

1 protect himself from the officers, specifically Det. MICHAEL
2 ALLARD #317, DET. ROSSENBERGER #241, DET. SHAWN THOMPSON #321,
3 SGT. B. BROWN #272, and DET. MCSHANE.

4 70. Defendant DETECTIVE NASORI and others authorized the
5 placement of Plaintiff's photo on the Manhattan Beach police
6 website indicating an arrest for lewd conduct after authorizing
7 the issuance of a Certificate of Detention which stated that there
8 was insufficient evidence for an arrest for either lewd conduct or
9 child endangerment.
10

11 71. Again this is maliciousness per se.

12 72. Finally after issuance of said Certificate of Detention,
13 DETECTIVE NASORAI swore under penalty of perjury that the illegally
14 obtained lap top should be searched because the laptop "**was used**
15 **as the means of committing a felony**", **is possessed by a person**
16 **with the intent to use it as a means of committing a public**
17 **offense...**" and **"tends to show that a felony has been committed or**
18 **that a particular person has committed a felony."**
19

20 73. These aforementioned acts warrant an award of Punitive
21 Damages against Detective Nasori personally in an amount to deter
22 future similar conduct.
23

24 74. **PLAINTIFF WHEREUPON** requests that this court exercise its
25 pendant jurisdiction to adjudicate this state claim for punitive
26 damages.
27

28 WHEREFORE, Plaintiff requests that this Court:

1 A. Issue a declaratory judgment that the customs,
2 practices, policies, and acts described in this Complaint violate
3 the Fourth, and Fourteenth Amendments to the United States
4 Constitution.

5 B. Grant permanent injunctive relief enjoining Defendants
6 from enforcing laws in a discriminatory manner by targeting,
7 harassing, and/or arresting men because they are perceived to
8 desire, seek, and/or engage in non-monetary intimate association
9 with members of the same sex;
10

11 C. Restore the plaintiff's reputation in all mediums to the
12 original state prior to this incident, including but not limited
13 to removing all traces on the Internet of this incident as it is
14 related to "Charles Samuel Couch," "Charles Couch," "Charles S.
15 Couch," "Sam Couch," and all related search terms."
16

17 D. Award Plaintiff reasonable compensatory damages against
18 Defendants, jointly and severally, for violations of Federal Law
19 as set forth above;
20

21 E. Exercise its pendant jurisdiction to adjudicate this state
22 claim for punitive damages and award such damages in an amount
23 sufficient to deter future similar conduct.

24 G. Award Plaintiff his costs, expenses, and reasonable
25 attorney's fees pursuant to 42 U.S.C. § 1988;
26

27 H. And award such further relief as the court may deem just
28 and proper.

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Dated: October 1, 2013

Bruce W. Nickerson

Bruce W. Nickerson
Attorney for Plaintiff

I. (a) **PLAINTIFFS** (Check box if you are representing yourself ☐)

Charles Samuel Couch

DEFENDANTS (Check box if you are representing yourself ☐)

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Bruce W. Rickerson, C.B.N. 98765

231 Manor Drive
San Carlos, Ca 94070
(650) 594-0195

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
- ☒ 3. Federal Question (U.S. Government Not a Party)
- ☐ 2. U.S. Government Defendant
- ☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1. Original Proceeding
- ☐ 2. Removed from State Court
- ☐ 3. Remanded from Appellate Court
- ☐ 4. Reinstated or Reopened
- ☐ 5. Transferred from Another District (Specify)
- ☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)**CLASS ACTION** under F.R.Cv.P. 23: ☐ Yes ☒ No **MONEY DEMANDED IN COMPLAINT:** \$ 5,000,000.00**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
42 U.S.C. 1983. False and Discriminatory arrest**VII. NATURE OF SUIT** (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort-Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 465 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 540 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL PROPERTY	PERSONAL PROPERTY	<input type="checkbox"/> 550 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Defaulted Student Loan/Excl. Vet.	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DMC/DMM (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 154 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine-Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE/PENALTY	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 892 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input checked="" type="checkbox"/> 440 Other Civil Rights	LABOR	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 750 Family and Medical Leave Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY:

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CIVIL COVER SHEET

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This Initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:	
	A PLAINTIFF?	A DEFENDANT?		
	Then check the box below for the county in which the majority of DEFENDANTS reside:	Then check the box below for the county in which the majority of PLAINTIFFS reside:		
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino		Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western		

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C.2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
Your case will initially be assigned to the WESTERN DIVISION. Enter "Western" in response to Question D below.	

Question D: Initial Division? Enter the initial division determined by Question A, B, or C above: →	INITIAL DIVISION IN CACD: WESTERN
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CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed?

☒ NO☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case?

☒ NO☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):*Bruce W. Nickerson*

DATE: October 9, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the Information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969; (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))